

The Regular Meeting of the Troy City Planning Commission was called to order by Chairman Littman at 7:30 p.m. on May 13, 2003, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Dennis A. Kramer
Lawrence Littman
Cindy Pennington
Robert Schultz
Mark J. Vleck
David T. Waller
Wayne Wright

Absent:

Gary Chamberlain
Walter Storrs

Also Present:

Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Susan Lancaster, Assistant City Attorney
Richard K. Carlisle, Carlisle/Wortman Associates
Kathy Czarnecki, Recording Secretary

Resolution

Moved by Schultz

Seconded by Waller

RESOLVED, that Messrs. Chamberlain and Storrs be excused from attendance at this meeting.

Yeas

All present (7)

Absent

Chamberlain
Storrs

MOTION CARRIED

Chairman Littman announced that per the request of the petitioner, item # 11, Public Hearing for Proposed Rezoning (Z-689) - Proposed Car Wash, north side of Maple, east of Livernois, Section 27 – B-1 and R-1E to HS, has been withdrawn.

2. PUBLIC COMMENTS

There was no one present who wished to speak.

TABLED ITEMS

3. PUBLIC HEARING – STREET VACATION REQUEST (SV-180) – East ½ of Alger Street, between Lots 463 and 464 of John R Gardens Subdivision, South of Birchwood, West of John R, Section 26 – M-1

Mr. Miller presented a summary of the Planning Department report for the proposed street vacation. The City Assessor documented that the road was never officially vacated; therefore, one-half of the right of way was not deeded to the subject lot. Mr. Miller reported that it is the recommendation of the Planning Department to deny the street vacation request as submitted. Mr. Miller cited the request would result in a 25-foot wide substandard right-of-way that would not be accepted for maintenance as a street within the City and would effectively land lock the two parcels fronting on Chopin Street, making it impossible to sell or redevelop the lots in the future.

Ms. Lancaster reported that she provided the petitioner suggestions in seeking reimbursement of money he paid for property that was not titled to him.

The petitioner, Dennis Coleman of 1448 Madison, Troy, was present. Mr. Coleman questioned why the quit claim deed does not agree with recorded documents in the County and City.

Ms. Lancaster responded that the history of the matter does not show the street being picked up by the County or City. She explained the difference between a quit claim deed and a warranty deed, and offered further assistance to the petitioner.

PUBLIC HEARING OPENED

No one was present to speak.

Mr. Waller requested that the Assistant City Attorney draft a memorandum that would enlighten the Commission on various deeds.

Resolution

Moved by Waller

Seconded by Pennington

RESOLVED, that the Planning Commission hereby recommends that the street vacation request, as submitted, for the east ½ of the Alger Street right-of-way, located within the John R Gardens Subdivision, abutting lots 463 and 464, being

approximately 120 feet in length and 25 feet in width, be tabled until the June 10, 2003 Regular Meeting, to allow further investigation of the matter.

Yeas

Littman

Pennington

Schultz

Vleck

Waller

Wright

Nays

Kramer

Absent

Chamberlain

Storrs

MOTION CARRIED

Chairman Littman announced that the Public Hearing would remain open for the June 10, 2003 Regular Meeting.

4. PUBLIC HEARING – PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Mr. Miller presented a summary of the Planning Department report for the proposed PUD and noted that the petitioner has provided additional information since the item was tabled at the April 8, 2003 Regular Meeting.

The Planning Consultant, Mr. Carlisle, presented a review of his report and noted that it does not incorporate responses to the additional information recently provided by the petitioner. Mr. Carlisle expressed surprise at the high vacancy rate quoted in the current market study, and cautioned the Commission that other office projects may request concessions in the future if the proposed project is approved, built and siphons off some of the office market. Again, Mr. Carlisle cautioned the Commission to be very careful in its consideration of the full impact of the proposed development. Mr. Carlisle stated that, to date, he is not convinced that the attributes offered by the proposed development warrant the additional square footage on the site. In summary, Mr. Carlisle stated it is his opinion that the project is not ready yet for PUD approval, and recommended the item be tabled for further study.

Mr. Chuck DiMaggio of Burton Katzman, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. Mr. DiMaggio agreed with Mr. Carlisle's comment that a PUD is a process, not a product, and noted that the process has resulted in meaningful improvements to the proposed development since its original submission. He cited that some improvements suggested by City staff were beyond economic feasibility of the project, and hoped that the City and Commission still believe a good product is being offered. Mr. DiMaggio stated the deed restrictions have not hamstrung the project but allowed development to be possible, citing the construction of a parking structure. Mr. DiMaggio said he does not believe that the

proposed Sterling Corporate Center would set a precedent, but would encourage other developers to come before the Planning Commission with proposed PUD projects. He reviewed the recent site improvements, displayed renderings, referenced the comparable building materials, and addressed the proposed water feature. Mr. DiMaggio believes that the current office vacancy rate is not significantly detrimental to the market and noted that there are tenants wanting to take occupancy in the new development. In summary, Mr. DiMaggio stated that tabling the item for 90 days could be problematic and additional time would probably not move the project forward; therefore he asked the Commission for its consideration in approving the project.

Mr. Waller questioned the rendering display of a darkened feature under the canopy and behind the water feature.

Mr. DiMaggio detailed a paver entryway that would establish a different type of atmosphere in front of the building.

Mr. Kramer asked for examples of competitive signature buildings in Troy and specific elements of the proposed development that are above and beyond existing signature buildings.

Mr. DiMaggio replied that Columbia Center, Standard Federal Building, Troy Corporate Center and Somerset Place are examples of competitive signature buildings. He cited specific elements above and beyond comparable signature buildings are the substantial off-site improvements for the City, the proposed traffic improvements and meeting the goals and objectives of the City's Master Plan.

PUBLIC HEARING OPENED

No one was present to speak.

Mr. Kramer said he would like to move the project along but personally is looking for those elements that would convince him that the project is above and beyond the quality of other Class A office buildings existing in the City, citing that the Columbia Center is a very high class building constructed of brick and the Standard Federal Building constructed of marble and granite – not concrete as proposed for the subject development. Mr. Kramer said the proposed landscaping in the I-75 off-ramp area could be cited as an attribute but feels that 50 trees do not swing the needle very much.

Mr. Schultz said he views tabling the item tonight as an additional delay.

Mr. Vleck questioned if the project could be developed as an overlay district.

Mr. Miller said if an overlay district existed, it would allow for the creation of a unified development in which parking, intensity of development, storm water detention, and other features could be shared.

Mr. Wright asked for clarification as to why the proposed Sterling Corporate Center PUD does not qualify for the PUD eligibility criteria and the proposed Rochester Commons PUD does.

Mr. Carlisle stated that each PUD project should be considered uniquely. He noted that the Rochester Commons site is truly a blighted piece of property with an abandoned school and a series of substandard houses on the frontage of Big Beaver. In terms of development intensity, Mr. Carlisle believes the proposed Rochester Commons project is less intense than if the site would be developed as office for which it is master planned. Mr. Carlisle said the proposed Rochester Commons project provides a more equally and appropriate transition between intense commercial and single family to the rear. Mr. Carlisle believes the proposed Rochester Commons project would serve as a catalyst for redevelopment of areas along Big Beaver and Rochester Roads.

Mr. Wright stated that he agrees the proposed Sterling Corporate Center site is not as blighted as the proposed Rochester Commons site, but noted the history of the Sterling Corporate Center site shows it is significantly under-utilized.

Mr. Carlisle clarified that some of the recommendations offered the petitioner are consistent with the existing Columbia Center project and were drawn upon suggestions from the Commission. He clarified that it was suggested to bury a second floor of the parking structure that would then lower the overall profile of the structure. It was further suggested to add more square footage to the office building to offset the cost of burying the second floor of the parking structure.

Resolution

Moved by Kramer

Seconded by Wright

RESOLVED, that the Preliminary Plan for a Planned Unit Development, pursuant to Section 35.60.01, as requested by Burton Katzman, for the Sterling Corporate Center Planned Unit Development, located on the north side of Big Beaver Road and west of I-75, located in section 21, within the O-S-C Mid or High Rise Office zoning district, being 5.91 acres in size, is hereby tabled for thirty (30) days to the June 10, 2003 Regular Meeting, for the following reasons:

1. While the Planning Department, City Planning Consultant, City Management, and the Planning Commission agree that a mid-rise office building is an appropriate use at the subject location, the Planned Unit Development application does not meet the minimum Eligibility criteria of Section 35.30.00.
2. The Planned Unit Development application is incomplete as submitted.
3. The thirty (30) day period will provide the Planning Department, City Planning Consultant, City Management and the Planning Commission and the applicant an opportunity to negotiate and develop a Planned Unit Development application

which is complete and which will meet the Eligibility criteria of the City of Troy Zoning Ordinance.

Yeas

All present (7)

Absent

Chamberlain

Storrs

MOTION CARRIED

Chairman Littman announced that the Public Hearing would remain open until the June 10, 2003 Regular Meeting.

5. PUBLIC HEARING – PROPOSED PLANNED UNIT DEVELOPMENT (PUD-2) –
Proposed Rochester Commons, North side of Big Beaver, East of Rochester Road,
Section 23 – R-1E

Mr. Miller presented a summary of the Planning Department report for the proposed Rochester Commons PUD.

The Planning Consultant, Mr. Carlisle, gave a brief report on the most recent revisions to the project: resolution of the floodplain delineation; revised walkway as a result of the Big Beaver Road future improvements; substantial improvements to Urbancrest; and emergency accesses per the Fire Department requirements. In summary, Mr. Carlisle said the proposed development is a very good example of a PUD project and recommended approval by the Planning Commission.

Mr. Miller noted the plan has been revised to make no improvements to the adjacent Jackson property so the Jackson's garden area would remain the same, and further noted that the request to vacate the alley between the Jackson property and the City-owned property will be on the June 2, 2003 City Council Regular Meeting agenda. Mr. Miller foresees no problem with the City Council's approval of the alley vacation that would result in one-half of the alley going to the Jackson family and the other half would remain City property.

Mr. Kramer questioned if the designated open space would remain open space, if and once the project is approved.

Mr. Carlisle responded that a development agreement would be required and the only way the open space could be changed is if it came before the Planning Commission as an amendment to the PUD.

Ms. Lancaster confirmed that a change in the open space would come back before the Planning Commission as an amendment to the PUD. She explained that a new site plan would be required, as well as a resolution on the deed restriction and a recorded new planned unit development agreement.

Mr. Kramer questioned the integration of the surface treatment with the pond and landscaped areas.

Mr. Miller responded that no design work has been done at this time, but noted that the intent is to provide a uniform look beginning at Daley Street and continuing along the berm area through to the pond, fire station and park.

Mr. Carlisle agreed that the petitioner should be encouraged to carry the concept all the way to the park.

A brief discussion followed with respect to the alley vacation request and landscape plans for the southern half of the alley, if the vacation is approved.

The petitioner, Nick Donofrio of Tadian Development, 2038 Big Beaver, Troy, was present. Mr. Donofrio said that he is working with the City's Real Estate and Development Director and a landscape architect to arrive at a landscape plan that would provide uniformity throughout the proposed development. Mr. Donofrio briefly reported on the proposed building materials and circulated samples of the building materials to the Commission. Mr. Donofrio discussed the landscape plan along Urbancrest and the property adjacent to the Jackson family. Mr. Donofrio expressed his desire to work with the City and said he is open to suggestions.

PUBLIC HEARING OPENED

Ms. Barbara Jackson of 3035 Daley, Troy, was present. Ms. Jackson provided a letter that cites her major concerns to the proposed development. Ms. Jackson believes the development would have a negative impact on the neighborhood, and noted the neighbors on Hartland are not in favor of the development. Ms. Jackson expressed her appreciation to the Commission for their dedication and hard work on behalf of the City.

Eileen Youngerman of 369 Lange, Troy, was present. Ms. Youngerman said she manages property on Rochester Road, south of Big Beaver, and is familiar with the proposed development. Ms. Youngerman is in favor of the proposed development. She believes it would remove and improve a long-time blighted area as well as continue the Golden Corridor concept for the City. She views the proposed development as an asset to the City.

Helen Haas of 1069 Urbancrest, Troy, was present. Ms. Haas, who lives next to the abandoned school, questioned the term "mixed use" and voiced her objections to the proposed development. Ms. Haas stated the petitioner has committed to providing an easement but that there would be certain restrictions. She stated that she cannot afford an attorney to seek legal advice and does not want to sign any documents.

Ms. Lancaster said it would be in the best interest of Ms. Haas to retain an attorney to review the legal documentation related to the easement agreement, but noted

that the City would ensure that her interests would be protected as part of the master deed plan.

Mr. Donofrio clarified that the restriction to which Ms. Haas is referring is the parking of her recreational vehicle on the property. He informed Ms. Haas that neither she nor any of her neighbors would be permitted to park recreational vehicles on the property. Mr. Donofrio noted that Ms. Haas would not be responsible for any maintenance nor would she be assessed any association dues, and further that this would be inherent for any future owners of the Haas property.

Jim Meinershagen of 4657 Heatherbrook, Troy, was present. Mr. Meinershagen is the head of the Scotland homeowners association. Mr. Meinershagen stated that he is in favor of the proposed development because it would be improving the City's principal intersection. He asked that the needs and wishes of neighbors, such as the Jackson family, with respect to landscaping and access be given serious consideration.

David Hornak was present to represent the homeowners at 1115 E. Big Beaver Road, Troy. Mr. Hornak spoke in favor of the proposed development and expressed appreciation to the petitioner for his efforts to work with the neighbors. Mr. Hornak believes the area will be well maintained by the private condominium owners.

Bob Jackson of 3035 Daley, Troy, was present. Mr. Jackson thanked the Commission for their hard work. Mr. Jackson stated that he has maintained the property to the rear for 47 years. He does not think a berm is necessary in this area and suggested to keep the existing trees. He voiced concerns with respect to watering the proposed berm. Mr. Jackson referenced the alley vacation and said there is no way a car will fit on a 10-foot driveway.

PUBLIC HEARING CLOSED

Mr. Waller requested that City staff, the City Attorney's Office and City Council give serious consideration to the wishes of the Jackson family.

Mr. Vleck questioned the proposed storm water retention and the maximum height of an office building if the site was developed under office zoning.

Mr. Miller confirmed that the petitioner is required to provide some method of storm water retention, and noted that the petitioner has proposed an oversized retention pond as a catalyst for future development. Mr. Miller further said that if the property was rezoned to low rise office, a three-story office building at a height of 36 feet would be allowed under the zoning.

Resolution

Moved by Waller

Seconded by Schultz

RESOLVED, that the Preliminary Plan for a Planned Unit Development, pursuant to Section 35.60.01, as requested by Tadian Developments, for the Rochester Commons Planned Unit Development (fka Back Bay Village PUD), located on the north side of Big Beaver Road and east of Rochester Road, located in section 23, within the R-1E zoning district, being 4.86 acres in size, is hereby recommended for approval to City Council.

FURTHER RESOLVED, the proposed PUD meets the location requirements set forth in Section 35.30.00, A and B (2 and 3). The unique layout and location of the site is better served by the flexibility of the PUD ordinance. In addition, the site does have economic obsolescence considerations, based on the vacant school, the current single-family residential zoning and the site's frontage on the highly traveled Big Beaver Road, as demonstrated by the deteriorated condition of some of the existing single family residential homes. The multiple-family residential development would be similar to office use in being a transitional use and a compatible use with Big Beaver Road, the adjacent fire station and adjacent single-family residential uses.

FURTHER RESOLVED, pursuant to Section 35.30.00.C, the applicant demonstrated that a sufficient number of objectives are met which would not be accomplished without the use of the PUD.

1. The applicant has demonstrated that the "development quality objectives" in Section 35.30.00.B.2 are met. As the applicant notes in response to the PUD conditions, the site layout is based on a creative design that enhances the use of an obsolete site. It includes a large central open area, provision of a pedestrian network connecting the site to the safety path along Big Beaver Road and the adjacent park and an excellent landscape design. It also includes improvement of the City Fire Department property.
2. The proposed development includes multiple-family residences and associated common recreation areas only, with no other mixed use. However, a mix of uses is not a prerequisite to permit a PUD. The definition in Section 35.20.00 refers to a PUD as a development consisting of a "combination of uses wherein the specific development configuration and use allocation is based upon a comprehensive physical plan." The definition refers to a combination of uses, such consideration is mitigated or tempered by "the specific development configuration and use allocation" as demonstrated by a physical plan. Therefore, the Ordinance contemplates a more narrow allocation of use based upon the constraints of site, as demonstrated by a physical plan.

3. That the eligibility criteria for consideration of a PUD are set forth in Section 35.30.00.C. Providing a mixture of uses is one (1) of seven (7) objectives that may be considered. However, the Ordinance does not require that all seven (7) objectives are met. It states that the "applicant must show that a sufficient number of ... objectives ... are met."

FURTHER RESOLVED, the use will include screening to buffer the site from adjacent properties above and beyond Zoning Ordinance requirements. The applicant also proposes use of the retention pond adjacent to the fire station, and will have a decorative wet pond appearance. The aesthetic enhancement of the Fire Station with landscaping and reshaping of the detention pond will be a significant benefit.

FURTHER RESOLVED, that the proposed Preliminary Plan demonstrates that the General Development Standards, set forth in Section 35.40.00, and the Standards for Approval, set forth in Section 35.70.00, have been met.

FURTHER RESOLVED, the PUD is consistent with the Future Land Use Plan. The Future Land Use Plan designation calls for low rise office which is used as a transition between more intense commercial uses and less intense single-family residential uses. The office designation also serves as a transition between major thoroughfares (Big Beaver) and single-family residential areas.

FURTHER RESOLVED, it is evident that the former school site is transitional in nature. Commercial uses along Rochester Road and traffic along both Rochester and Big Beaver form an intense corridor. The proposed Rochester Commons project would achieve the same transitional benefits as office development and, in fact, would be more compatible with the neighboring single-family residential.

FURTHER RESOLVED, that the recommendation is subject to the following conditions.

1. The Preliminary Plan consists of a project manual, dated 4/03, which was presented to the Planning Department on April 11, 2003; the manual contains narratives, reduced plans, and full size plans:

Prepared by Grissim, Metz, Andriese Associates

- 1 Conceptual Landscape Plan
- 2 Conceptual Building Enlargement Landscape Plans
- 3 Conceptual Lighting/Street Signage Plan
- 4 Site Details
- 5 Site Amenities
- 6 Photometric Plan

Prepared by Professional Engineering Associates

PSP-3 Site Plan
PSP-3 Grading Plan (Preliminary)
C-2 Topographic Survey
T-1 Tree Survey

FURTHER RESOLVED, that the Planning Department will keep the Planning Commission informed on a written basis on any change or items of merit that occur to this project.

FURTHER RESOLVED, the City of Troy in support of the theme of improvement of this area of Troy will enclose the dumpster located on the parking lot of the Fire Department.

Yeas

Kramer
Littman
Pennington
Schultz
Waller
Wright

Nays

Vleck

Absent

Chamberlain
Storrs

MOTION CARRIED

Chairman Littman congratulated the petitioner on following the PUD process.

Mr. Vleck stated he is not in favor of the motion because he feels the proposal falls short as a PUD project. He cited the proposal has no mixed use; the building material quality is of relatively low standard; and the public benefits are minimal. Mr. Vleck stated that the only precedent being set is for a developer to originally submit a sub-standard plan, make a lot of revisions to show that he/she is going through the PUD process, and receive approval that the proposal qualifies as a PUD project based on making lots of changes.

Resolution

Moved by Kramer

Seconded by Waller

RESOLVED, that the Planning Commission recommend to City Council that City Management be directed to coordinate the development of the corner park with the design intent and development as presented by the petitioner this evening.

Yeas

All present (7)

Absent

Chamberlain
Storrs

MOTION CARRIED

Chairman Littman requested a recess at 9:30 p.m.

The meeting reconvened at 9:40 p.m.

SITE CONDOMINIUM SITE PLAN

6. SITE PLAN REVIEW – Proposed Hidden Creek Site Condominium, 14 units proposed, East side of Ellenboro, South side of Vanderpool, Section 22 – R-1E

Mr. Miller presented a summary of the Planning Department report for the proposed Hidden Creek Site Condominium. Mr. Miller noted the report incorrectly specifies that the applicant is proposing a 14-unit site condominium; the report should read the applicant is proposing a 15-unit site condominium, which represents a density of 1.88 units per acre. Mr. Miller reported that it is the recommendation of the Planning Department to approve the preliminary site plan as submitted.

Discussion followed with respect to the unusual and quirky layout of the proposed development. It appears that Lot 8 has limited space between adjacent lots and that Lot 1 and 2 would be restricted in the placement of exterior structures.

Ms. Lancaster confirmed that condominium documents could be set up so that individual homeowners are responsible for maintenance of their lots.

Mr. Miller confirmed that Lots 14 and 15 would have access off of Ellenboro.

The petitioner, Gary Abitheira of 178 Larchwood, Troy, was present. Mr. Abitheira said that he personally is moving onto Lot 8 and that his father currently lives on Lot 15. Mr. Abitheira said the association bylaws would stipulate that each homeowner is responsible for his respective exterior maintenance. Mr. Abitheira explained that he could not split the lots because of legal restrictions.

Chairman Littman opened the floor for public comment.

James Ryan of 648 Vanderpool, Troy, was present. Mr. Ryan lives at the dead end of Vanderpool on the opposite side of the creek. Mr. Ryan spoke with the Chief Inspector of the Oakland County Drain Commission and was informed that the petitioner has not applied for any permits or variances with respect to the drain and existing 25-foot easement and that several outstanding violations exist. Mr. Ryan claimed the petitioner bulldozed the trees on the property without obtaining a permit, and the clearing of the property took away the privacy and nature he once enjoyed as a resident. Mr. Ryan asked that the petitioner be required to re-plant the trees he bulldozed. Mr. Ryan claimed that the petitioner built the two houses at the end of the

street without obtaining proper permits. Mr. Ryan stated the Planning Department has informed him that the petitioner has received all applicable City permits, but he understands that applicable County permits have not been obtained. Mr. Ryan voiced his concern, as well as his neighbors, that Vanderpool would be opened up to through traffic and believes it would be a detriment to the neighborhood. Mr. Ryan spoke with respect to the unusual layout of the site, and cited several questions that he feels should be addressed before further movement on this project.

Mr. Miller confirmed that the City's Parks and Recreation Department reviewed the petitioner's preliminary tree preservation plan and the Engineering Department reviewed the floodplain very closely. Mr. Miller stated the petitioner would apply for permits subsequent to receiving preliminary site plan approval. Mr. Miller said that he could not answer to potential violations at this time without doing further research on the issues.

Ms. Lancaster confirmed that the Commission's approval process relates to meeting City ordinances and not County requirements.

Mr. Miller cited the City ordinance relating to constructing equipment and/or structures within a floodplain area, and noted there could be potential limitations on developing or building in the rear yards that lie within the designated floodplain.

James Savage of 800 Harris, Troy, was present. Mr. Savage circulated a photograph taken two years ago after a one-inch rainfall wherein Rochester Road near the Sturgis drain was completely submerged. Mr. Savage voiced concern with additional flooding as a result of the proposed development. In addition, Mr. Savage addressed his concern of increased traffic on Vanderpool and Ellenboro, and noted it would endanger elementary school children. Mr. Savage feels the proposed development would have a negative impact on the neighborhood.

The floor was closed.

Resolution

Moved by Littman

Seconded by Wright

RESOLVED, that the Planning Commission hereby recommends that the Preliminary Plan as submitted under Section 10.00.00 of the Zoning Ordinance (One Family Residential Districts) and Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium, known as Hidden Creek Site Condominium, 15 units proposed, located on the east side of Ellenboro and the south side of Vanderpool, Section 22, within the R-1E zoning district, be tabled for thirty (30) days to the June 10, 2003 Regular Meeting, to allow residents, developer and City staff to address all issues.

Yeas

Kramer

Littman

Pennington

Schultz

Wright

Nays

Vleck

Waller

Absent

Chamberlain

Storrs

MOTION CARRIED

Mr. Vleck said he was not in favor of the motion because the Commission is compelled to approve a site plan that complies with City ordinances.

Mr. Waller said the Commission responded to hearsay and the professional City staff should have had the issues sorted out a long time ago. Mr. Waller asked that the record be clear that if the petitioner is in violation of clearing the subject land, that it is a Drain Commission issue and not the City's.

STREET VACATION REQUEST

7. PUBLIC HEARING – STREET VACATION REQUEST (SV-182) – 18 Foot Alley, between Chopin Road and Maple Road, Abutting Lots 78 through 90 and 589 of Addison Heights Subdivision, North of Maple, East of Livernois, Section 27

Mr. Miller presented a summary of the Planning Department report for the proposed street vacation request. Mr. Miller reported that it is the recommendation of the Planning Department to approve the street vacation request as submitted with the condition that retention of easements for utilities is provided.

Matt Ray of 3384 W. 12 Mile Road, Berkley, was present to represent the petitioner. Mr. Ray stated that the petitioner wishes to improve the property for future development.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Savidant clarified that the City does not require easements for City utilities (storm, water and sewer) but the recommended condition is to require easements for other potential utilities such as telephone, cable, etc.

Mr. Miller reported there were no responses from affected residents who received notification of the proposed street vacation.

Resolution

Moved by Vleck

Seconded by Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that the street vacation request, as submitted for the alley, between Chopin Road and Maple Road, located within the Addison Heights Subdivision, abutting lots 78 through 90 and 589, being approximately 222.54 feet in length and 18 feet in width, in Section 27, be approved subject to the following condition:

1. Retention of easements for utilities.

Yeas

All present (7)

AbsentChamberlain
Storrs**MOTION CARRIED****SITE PLANS**

8. **SITE PLAN REVIEW (SP-892)** – Proposed Retail Building, Shops at Torpey, Northeast corner of Rochester Road and Torpey, Section 23 – B-2

Mr. Savidant presented a summary of the Planning Department report for the proposed retail building. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted subject to: the vacation of the existing 6-foot wide easement running north-south through the parcel; continuation of the concrete sidewalk along Torpey across the entry drives; relocation of the dumpster to the northeast corner; and provision of a vehicular cross access easement for future connection to the property to the north.

The petitioner, Dennis Torpey of 12830 Rattalee Lake Road, Davisburg, was present. Mr. Torpey expressed his concern in relocating the dumpster to the northeast corner because of the existing overhead utility lines, and questioned the City's request to continue the sidewalk along Torpey.

Mr. Miller clarified that the site plan must show the sidewalk to meet City ordinance and get approval by the Commission, but informed the petitioner that a sidewalk waiver could be submitted for consideration by the City's Traffic Committee.

Chairman Littman opened the floor for public comment.

There was no one present who wished to speak.

The floor was closed.

Resolution

Moved by Kramer

Seconded by Wright

RESOLVED, that the Preliminary Site Plan for the Shops at Torpey, located on the northeast corner of Rochester Road and Torpey, Section 23, within the B-2 zoning district is hereby granted, subject to the following conditions:

1. The existing 6 foot wide easement running north-south through the parcel to be vacated.
2. The concrete sidewalk shall continue along Torpey across the entry drives.
3. The dumpster be relocated to the northeast corner of the site and orient the dumpster enclosure so that the entrance faces due west, provided there is no safety hazard from overhead utilities or wires.
4. A vehicular cross access easement for future connection to the property to the north, to be located as shown on the site plan.

Yeas

All present (7)

AbsentChamberlain
Storrs**MOTION CARRIED**

9. SITE PLAN REVIEW (SP-893) – Proposed Office/Retail Building, Southeast corner of Long Lake and John R, Section 13 – B-3 and E-P

Mr. Savidant presented a summary of the Planning Department report for the proposed office/retail building. Mr. Savidant noted that subsequent to the Planning Department's written report, the petitioner submitted a landscape plan for the E-P Zoning District area that has been reviewed and approved by the Parks and Recreation Department. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted subject to the applicant receiving approval from the Michigan Department of Environmental Quality (MDEQ) prior to Final Site Plan approval.

Mr. Waller requested that the driveway of the proposed development be checked with relation to the elevation of the new bridge going in on Long Lake Road, east of John R.

The petitioner, Laith Jonna of 2360 Orchard Lake Road, Sylvan Lake, was present. Mr. Jonna stated that exact elevations have been taken of the new bridge on Long Lake and a plan that addresses the access requirements has been submitted.

Mr. Miller requested the petitioner to provide an explanation of the proposed upper and lower level parking.

With the assistance of display boards, Mr. Jonna gave a brief presentation of the proposed parking elevations with relation to the John R Road elevation, and a view of the office/retail construction. Mr. Jonna confirmed that the lower level offices would have entrances along the lower level in the rear of the site, and that handicapped parking spaces could easily be designated in the area.

There was discussion on the relation of the grade of the proposed development to the Police/Fire Training Center.

Tony Serra of 189 E. Big Beaver, Troy, the architect for the proposed project gave a brief explanation of the grading plan and summarized that the Police/Fire Training Center's elevation would remain higher than the proposed development and noted water run-off would flow to the catch basin.

Mr. Savidant said it appears that most of the Police/Fire Training Center property is designed so that its water run-off turns away from the proposed development.

Chairman Littman opened the floor for public comment.

There was no one present who wished to speak.

The floor was closed.

Resolution

Moved by Kramer

Seconded by Schultz

RESOLVED, that the Preliminary Site Plan for the proposed Office/Retail Building, located on the southeast corner of Long Lake and John R, Section 13, within the B-3 and E-P zoning districts is hereby granted, subject to the following conditions:

1. The applicant will require approval from the Michigan Department of Environmental Quality (MDEQ) prior to Final Site Plan approval.
2. The E-P landscape buffer will be designed as shown in the landscape plan as submitted and approved by the Parks & Recreation Department.
3. The plan reflects the addition of handicapped parking spaces for the lower level building entrances to the east.

Yeas

All present (7)

AbsentChamberlain
Storrs**MOTION CARRIED****REZONING REQUESTS**

10. PUBLIC HEARING – PROPOSED REZONING (Z-688) – Proposed Office Building, East side of Coolidge, South of Maple, Section 32 – M-1 to O-1

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning request. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the rezoning request as submitted.

Matt Ray of 3384 W. 12 Mile Road, Berkley, was present to represent the petitioner. Mr. Ray said the intent of the property owner and developer is to provide a nice office building at this location.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED**Resolution**

Moved by Waller

Seconded by Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that the M-1 to O-1 rezoning request for the existing industrial storage facility, located on the east side of Coolidge Road, south of Maple Road, Section 32, being 0.86 acres in size, be granted.

Yeas

All present (7)

AbsentChamberlain
Storrs**MOTION CARRIED**

11. PUBLIC HEARING - PROPOSED REZONING (Z-689) – Proposed Car Wash, North side of Maple, East of Livernois, Section 27 – B-1 and R-1E to H-S

Item withdrawn per the request of the petitioner.

SPECIAL USE REQUEST

12. **PUBLIC HEARING – SPECIAL USE REQUEST (SU-181 B) – Troy Auto Wash, East side of Livernois, South of Maple, Section 34 – H-S**

Mr. Savidant presented a summary of the Planning Department report for the proposed special use request. Mr. Savidant reported that it is the recommendation of the Planning Department to table the request until the rear 317.5 feet of the property is deeded to a different owner, or until a variance from the 10% landscaping requirement is granted.

The petitioner, Tony Gallo of 30555 Hoover, Warren, was present. Mr. Gallo explained the difficulty in developing the subject site because of its irregular shape. He stated that there have been discussions with the property owners to the north (K-Mart facility) and to the south (vacant shopping plaza) with respect to deeding a portion of the property to the rear. Mr. Gallo provided the Commission with a letter from the property owner to the north that indicated agreement to accepting the deeded portion of the property. Mr. Gallo said he would seek a variance from the Zoning Board of Appeals if the property were not to be deeded. Mr. Gallo reviewed the present condition of the site and expressed his desire to provide a first-class building in its place. Mr. Gallo asked for the Commission's favorable consideration of the request.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Kramer asked what process is in place to guarantee the site plan condition would be met.

Mr. Miller replied that the Planning Department would not approve the final site plan until the condition occurred.

Resolution

Moved by Waller

Seconded by Wright

RESOLVED, that Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 23.30.04 of the Zoning Ordinance, as requested for the Troy Auto Wash, located on the east side of Livernois Road, south of Maple Road, located in section 34, within the H-S zoning district, is hereby granted, subject to the following condition:

1. The applicant and/or property owner either selling the rear land to the adjacent property owner or applying and receiving a 10% landscaping variance from the Zoning Board of Appeals.

Yeas

All present (7)

AbsentChamberlain
Storrs**MOTION CARRIED****ZONING ORDINANCE TEXT AMENDMENTS**

13. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA-198) – Article 40.20.00 Parking Requirements

Mr. Savidant summarized the intent of the proposed revisions to the parking requirements zoning ordinance text.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED**Resolution**

Moved by Kramer

Seconded by Schultz

RESOLVED, that the Planning Commission hereby recommends to the City Council that ARTICLE XI (GENERAL PROVISIONS), Section 40.20.00 (PARKING REQUIREMENTS) of the Zoning Ordinance, be amended as printed on the Planning Commission recommended amendment, dated 04/17/03:

YeasKramer
Littman
Pennington
Schultz
Waller
WrightNays

Vleck

AbsentChamberlain
Storrs**MOTION CARRIED**

Mr. Vleck indicated he is not in favor of the motion because the text contains references to the "largest working shift" which he thinks is too dynamic of a standard

and makes the ordinance unenforceable. Since the largest working shift is based on a tenant that is unknown, the criteria would arrive at a fictitious number.

14. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA-199) – Article 03.40.00 Site Plan Approval

Mr. Savidant summarized the intent of the proposed revisions to the site plan zoning ordinance text.

A brief discussion was held with respect to specific criteria required for site plan approval; i.e., city projects, car dealerships.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution

Moved by Schultz

Seconded by Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that ARTICLE III (APPLICATIONS AND PROCEDURES), Section 03.40.00 (SITE PLAN REVIEW / APPROVAL) of the Zoning Ordinance, be amended to read as follows:

(Underlining, except for major section titles, denotes changes.)

03.40.00 SITE PLAN REVIEW / APPROVAL

03.40.01 INTENT

03.40.02 The site plan review requirements in this Article are intended to provide a consistent and uniform method of review of proposed development plans, to ensure full compliance with the regulations in this Ordinance and other applicable ordinances and state and Federal laws, to achieve efficient use of the land, to protect natural resources, and to prevent adverse impact on adjoining or nearby properties. It is the intent of these provisions to encourage cooperation and consultation between the City and the applicant to facilitate development in accordance with the City's land use objectives.

03.40.02 SITE PLAN REQUIRED

The development of any new use, the construction of any new structures, any change of an existing use of land or structure, and all

other building or development activities shall require prior site plan approval pursuant to this Article. Specifically, site plan review shall be required for any of the following activities:

- (1) Erection, moving, relocation, conversion or structural alteration to a building or structure to create additional usable floor space, other than a one family or two family dwelling.
- (2) Development of uses other than an individual one family residential unit in the R-1A, R-1B, R-1C, R-1D, and R-1E districts.
- (3) Any change in use that could affect compliance with the standards set forth in this Ordinance.
- (4) Expansion or paving of off-street parking and/or a change in circulation or access for other than a one or two family dwelling.
- (5) The development or construction of any accessory uses or structures at least 1,000 square feet in area or greater, except for uses or structures that are accessory to a one or two family dwelling.
- (6) Any use or development for which submission of a site plan is required by the provisions of this Ordinance, including all Special Use Approval applications.
- (7) A substantial revision to a development that has received Preliminary or Final Site Plan Approval, as determined by the Planning Director and Building and Zoning Director.
- (8) Changes to pedestrian access or site and building interconnectivity.
- (9) The Planning Director has the authority to waive the site plan review requirement if it is determined that a project does not affect compliance with the standards of this Ordinance or other regulations.

03.41.00 PROCEDURE

- 03.41.01 A petitioner seeking Site Plan Approval ~~for proposed development and/or use of property within the City of Troy~~ as required under Section 03.41.04 ~~03.40.02~~ shall submit an application for same at the Planning Department of the City of Troy, together with the appropriate fee, not less than thirty (30) days prior to the date of the Regular Meeting of the Planning Commission.

- 03.41.02 The Planning Department shall review the application with respect to the submittal requirements contained herein. Any application which fails to provide the information and materials specified within this Section shall be held in abeyance until all deficiencies have been rectified.
- 03.41.03 Applications in conformity with the requirements of this Section shall be reviewed inter-departmentally and any revisions and/or corrections necessary shall be made by the petitioner prior to presentation to the Planning Commission for Preliminary Site Plan Approval. The Planning Department shall inform the Planning Commission of any inter-departmental comments or concerns.
- 03.41.04 The request for Preliminary Site Plan Approval shall be presented to the Planning Commission and after action by the Planning Commission, the petitioner shall obtain a copy of the Approved Preliminary Site Plan upon which shall be noted any requirements for modifications, additional information, or executed documents and/or agreements. Planning Commission Preliminary Site Plan Approval shall be effective for a period of one year. Within that one year period the petitioner shall submit a complete application for Final Site Plan Approval to the Planning Department in accordance with Section 03.41.07. If the petitioner does not renew the Preliminary Site Plan Approval or receive Final Site Plan Approval within 1 year, Preliminary Site Plan Approval shall expire. If at the time of renewal, the Planning Director determines that conditions have changed since Preliminary Site Plan Approval was first granted, the petitioner shall be required to resubmit the application for Preliminary Site Plan Approval.
- (11-19-90)
- 03.41.05 Landscape Plans, in conformity with the City's Landscape Design Standards, related to the required greenbelts, landscape and open space areas, shall be submitted with the application for the Preliminary Site Plan. ~~to The Department of Parks and Recreation shall for review and approve approval,~~ the Landscape Plan prior to the application for Preliminary Final Site Plan Approval.
- 03.41.06 Building and Engineering plans, conforming to all applicable portions of the City Code and the City's Engineering Design Standards, shall be submitted to the Building and Engineering Departments for their review and approval.
- 03.41.07 The petitioner shall, after review of building and engineering plans by the Building and Engineering Departments ~~and after review of landscape plans by the Department of Parks and Recreation,~~ and before granting of any building permits, submit the site plan to the Planning Department

for consideration and Final Site Plan Approval. This site plan submittal shall include those items indicated under Section 03.43.03 of this Article. It shall be the responsibility of the petitioner to secure all necessary approvals and authorizations related to the items covered under Section 03.43.03.

(11-19-90)

- 03.41.08 The Planning Department will review the submittal for Final Site Plan Approval to ascertain that all the requirements of Sections 03.41.07 and 03.43.03 have been complied with. Any submittal which fails to provide the modifications, information and/or documents required shall be deemed incomplete and held in abeyance until all deficiencies have been rectified.
- 03.41.09 In the event that the Site Plan has been substantially revised from that which received Preliminary Site Plan Approval, as determined by the Planning Director, the Planning Department shall present the revised plan to the Planning Commission for their review and approval. The Planning Commission shall review the request for approval of the revised Site Plan, taking into account the configuration of the plan granted Preliminary Approval, and the implications of Building and Engineering Plan Review, along with any plan modifications proposed by the petitioner. The Planning Commission shall then, by resolution:
- (1) Grant the request for Approval of the Revised Site Plan, subject to any additional modifications it deems necessary to assure the proper development of the proposed site and its' compatibility with adjacent or abutting properties, or
 - (2) Deny the request for Approval of the Revised Site Plan indicating specific reasons for denial, or
 - (3) Table the request for Approval of the Revised Site Plan, indicating the reasons for tabling.
- 03.41.10 When the Planning Department determines that the Final Site Plan is consistent with that which received Preliminary Site Plan Approval, and thus that further Planning Commission action is not necessary, they shall then review the applicable portions of complete submittals in order to confirm that all necessary City Department approvals, authorizations or certifications have been received from Departments including, but not limited to, the Engineering, Right-Of-Way, and Fire Departments. The Planning Department shall then grant Final Site Plan Approval and shall notify the Chief Building Inspector that building permits can be issued.

(11-19-90)

- 03.41.11 In those instances where Planning Commission review and approval of a revised site plan is necessary, and where modifications to the site plan are required by the Planning Commission, no building permits shall be issued until five copies of the modified site plan have been submitted and have been approved by the Building and Engineering Departments.

(11-19-90)

- 03.41.12 Final Site Plan Approval shall be effective for a period of one year.

(11-19-90)

03.42.00 APPLICATIONS

Application forms for Site Plan Approval for proposed development and/or use of property within the City of Troy are obtainable at the Planning Department of the City of Troy.

03.43.00 SUBMITTAL REQUIREMENTS

- 03.43.01 A petition or request for Preliminary Site Plan Approval shall be submitted on forms published by the Planning Department and shall contain the following:

- (1) The name, address and telephone of the person applying for Preliminary Site Plan Approval.
- (2) The name, address and telephone of the owner of the property.
- (3) The relationship between the applicant and the property owner.
- (4) The present zoning classification of the subject property.
- (5) The proposed use of the property.
- (6) A Certified Topographic Architectural Survey and a Certified Boundary Survey of the property, prepared and sealed by a Licensed Land Surveyor. The legal description and boundary survey shall be provided on 8-1/2 x 14 pages attached to the application, suitable for recording in accordance with Act 132 of Public Acts of 1970. The legal description of acreage parcels and parcels from subdivisions platted prior to January 1, 1970 shall be tied to a recorded Section or Quarter-Section Corner. If the subject Section or Quarter-Section Corner is not recorded, it is the responsibility of the applicant to have the Corner recorded by

a Licensed Surveyor by filing a "Land Corner Recordation Certificate" with the Oakland County Register of Deeds. A copy of the proposed "Land Corner Recordation Certificate" shall be attached to the Site Plan Approval application. The Planning Director may waive the Topographic Survey requirement for changes in use of existing buildings if each of the following conditions exist:

- (a) No additional impervious surfaces will be constructed on the property.
 - (b) The Engineering Department determines that the existing storm water drainage system is sufficient given present conditions.
- (7) A location map (minimum scale of 1"=400') indicating the subject property and the zoning classifications and uses of abutting and adjacent properties, on 8-1/2 x 11 pages, shall be attached to the application.
- (8) Attached to this application shall be ~~ten (10)~~ ~~six (6)~~ prints of the proposed site plan drawn to a scale of not less than 1"=20', (1" = 50' for parcels of 3 acres or more) wherein the following items shall be clearly labeled and dimensioned:
- (a) All drawings are to have a title block which shall have the name of the project and date of plans including revision dates.
 - (b) All drawings are to have a northpoint and the scale of the drawing is to be indicated.
 - (c) All lot and property lines.
 - (d) Location of all proposed structures.
 - (e) Existing and future right-of-way of adjacent streets, including centerlines and Section Lines where applicable.
 - (f) Location of all sidewalks, on and adjacent to the site, as required by the Zoning Ordinance and the Sidewalk Ordinance.
 - (g) Deceleration and passing lanes as required by the City of Troy Transportation Engineer.

(Rev. 5-17-93)

- (h) Indication of the means by which storm water detention will be provided.
- (i) Setbacks and required yards.
- (j) Parking areas, access drives, loading and unloading areas, and trash receptacles.
- (k) Greenbelts, landscape areas and other open space areas; and screening walls.
- (l) The location of any existing driveways and streets within 100 feet of the subject property, including those across frontage streets.
- (m) The location of existing cross access easements on abutting properties and the location of proposed cross access or joint drive easements on the subject property.
- (n) Calculations for the following shall be included on the site plan:
 - 1. Gross and net (after rights-of-way) site area.
 - 2. Gross and net ("usable") building area.
 - 3. Required parking and statement of parking provided.
 - 4. Required landscape and open space area and statement of area provided.
- (o) Site Plans for residential developments shall include the following additional information:
 - 1. Calculation of the dwelling unit density allowable and a statement of the number of dwelling units, by type, provided.
 - 2. Topography on site and 50 feet beyond, drawn at two (2) foot contour intervals, with existing drainage courses, flood plains, wetlands and tree stands indicated.
 - 3. Two prints each of the typical floor plans and elevations of the proposed buildings, indicating building height.

- (p) Existing and proposed grades.
 - (q) Number of employees on the largest working shift (if applicable).
 - (9) A wetlands determination shall be required for all applications for preliminary site plan approval, including subdivisions and site condominiums.
 - (10) An Environmental Impact Statement shall be attached as a part of the submittal when required in accordance with Article VII of the Zoning Ordinance.
 - (11) A Tree Preservation Plan in accordance with the City of Troy Landscape Design and Tree Preservation Standards shall be attached to all applications for Site Plan Approval. This requirement may be waived, by the Planning Director or by the Superintendent of Public Grounds, in those instances where the Topographic Architectural Survey and/or other written information provided by the applicant demonstrate that the nature of the site is such that a Tree Preservation Plan would not be applicable, or would serve no practical purpose.
 - (12) A Landscape Plan prepared in conformance with the City of Troy's Landscape Design Standards.
 - (13) Floor Plans.
 - (14) Building Elevations.
 - (15) Grading Plans.
 - (16) Preliminary Tree Preservation Plan.
 - (17) Indicate the method used to remove snow and the location of on-site snow storage areas.
- 03.43.03 A petition or request for Final Site Plan Approval shall be submitted on forms published by the Planning Department and shall contain the following:
- (1) The modifications and/or additional information required by the Planning Commission at the time of Preliminary Site Plan Approval;

- (2) Any and all executed Easements, Agreements, or other documents required in conjunction with Preliminary Site Plan Approval, or required in conjunction with Building and Engineering Plan Reviews, including, but not limited to, the following:
 - (a) The dedication of rights-of-way,
 - (b) The conveyance of easements for public utilities, private access drives, cross access easements, joint driveway easements and pedestrian easements,
 - (c) "Private Agreements" for the installation of Public Improvements, by the petitioner.
 - (d) "Irrevocable Petition Agreements" for participation in potential Special Assessment Projects involving Road, Pedestrian and/or Public Utility improvements.
- (3) A current Title Commitment, indicating all parties in interest in the subject property.
- (4) A statement from the Landscape Analyst ~~Superintendent of Public Grounds~~ indicating that the Landscape Plans have been submitted, approved and the related fees have been paid.
- (5) Approved Engineering Site Plans, developed in accordance with the City's Engineering Design Standards, indicating the location of the major elements of:
 - (a) The water distribution system,
 - (b) The sanitary sewer system,
 - (c) The storm drainage system, including the location size and shape of required storm water detention basins or other detention facilities.
- (6) Site area and building area information and calculations to confirm that Zoning Ordinance requirements such as parking and landscape area are met. Final building floor area information shall include all floor levels including basement and mezzanine areas.
- (7) The location of Fire Lanes as recommended by the Fire Department.

Yeas
Kramer
Littman
Pennington
Schultz
Waller
Wright

Nays
Vleck

Absent
Chamberlain
Storrs

MOTION CARRIED

Mr. Vleck stated he is not in favor of the motion because Section 03.43.01, (8) (q) references the "largest working shift" and he thinks the criteria would arrive at a fictitious number because tenancy is not known and therefore the largest working shift is unknown.

15. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA-126) – Article 39.70.09 Dumpsters and Grease Containers

Mr. Savidant summarized the intent of the proposed revisions to the dumpsters and grease containers zoning ordinance text.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution

Moved by Pennington

Seconded by Vleck

RESOLVED, that the Planning Commission hereby recommends to the City Council that ARTICLE XXXIX (ENVIRONMENTAL PROVISIONS), Section 39.70.09 (TRASH RECEPTACLE AREA SCREENING) of the Zoning Ordinance, be amended to read as follows:

(Underlining, except for major section titles, denotes changes.)

39.70.09 Trash Receptacle Area Screening

Trash receptacle or "dumpster" areas, including containers used to store grease, oil, waste and food by-products, shall be indicated on Site Plans, and shall be screened on at least three sides with an opaque fence or masonry wall at least equal to the height of the trash receptacles. Such obscuring elements shall be constructed of materials which are similar to or compatible with the exterior materials utilized in the

construction elsewhere on the site, and shall be maintained so as to remain structurally sound, opaque throughout, and neat and clean in appearance. In locating trash receptacle facilities, primary consideration shall be given to access for service, minimizing on-site traffic congestion, and minimizing visibility or other negative effects on those utilizing the site or adjoining properties. Where sites of restaurants or food sales establishments abut residentially-zoned land, the trash receptacle facilities serving such establishments shall be located abutting or adjacent to the building housing the restaurant or food sales use, and thus not adjacent to or abutting residentially- zoned land. Where sites of other non-residential use establishments abut residentially-zoned land, the Planning Commission may require that the trash receptacle facilities serving such establishments be located away from the residentially-zoned land, in order to minimize any negative effects on that land. In M-1 Districts the Planning Commission may waive the required screening when they determine that the trash receptacles are located so as to be obscured from view from any abutting public streets, and that no other significant negative effects will result from the waiver of such screening.

(Rev. 6-29-92)

Yeas

All present (7)

Absent

Chamberlain
Storrs

MOTION CARRIED

OTHER BUSINESS

16. PLANNING COMMISSION WORK PROGRAM – Approval and Referral to City Council

Chairman Littman reported that the Planning Commission Work Program went before City Council as a green informational memorandum at their May 12, 2003 Regular Meeting. City Management is requesting that the Work Program be officially approved by the Planning Commission prior to submitting it for approval by City Council.

A brief discussion followed.

Ms. Lancaster stated that a request to City Council to approve the Planning Commission Work Program could result in priority and funding issues.

Resolution

Moved by Littman

RESOLVED, that the Planning Commission Work Program be referred to City Council for review, comments and approval at their June 2, 2003 meeting.

There was no second to the motion.

MOTION FAILED

GOOD OF THE ORDER

Mr. Savidant thanked personally the person who passed out the Smarties candy.

Chairman Littman apologized for jumping the gun on the Work Program referral to City Council and not recognizing that he needed approval by the Planning Commission prior to requesting approval by City Council.

Ms. Pennington regretfully announced her resignation effective immediately, May 13, 2003. Ms. Pennington said it has been an honor and a privilege to work with the Commission.

Mr. Miller reminded everyone that the next meeting is June 3, 2003.

Ms. Lancaster said that she and all the Commission members would miss Ms. Pennington.

Chairman Littman announced that he has surgery scheduled on June 3rd and would advise the Planning Department and members of his return to chair the meetings.

ADJOURN

The Regular Meeting of the Planning Commission was adjourned at 11:33 p.m.

Respectfully submitted,

Mark F. Miller AICP/PCP
Planning Director